

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  OFFICE OF CONSUMER ADVOCATE,  Complainant,  vs.  WEBXITES, INC.,  Respondent.	DOCKET NO. FCU-04-56
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**ORDER APPROVING SETTLEMENT AGREEMENT AND  
ASSESSING CIVIL PENALTY**

(Issued January 21, 2005)

On November 19, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to consider a civil penalty for an alleged cramming violation committed by WebXites, Inc. (WebXites).

Consumer Advocate asserts that WebXites placed unauthorized charges on the complaining customer's local telephone bill in violation of Iowa's law against cramming, Iowa Code § 476.103 (2003). The complaint was identified as Docket No. FCU-04-56.

On January 19, 2005, Consumer Advocate and WebXites submitted a joint motion for approval of the settlement agreement contained in the motion. The settlement agreement addresses all issues in the docket and includes a monetary

penalty against WebXites in the amount of \$500, which is to be paid within 30 days of the date of this order.

The Board has reviewed the settlement agreement and will approve it. The settlement agreement is reasonable in light of the record, conforms with all applicable statutes and rules, and is in the public interest. 199 IAC 7.2(11).

**IT IS THEREFORE ORDERED:**

1. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on January 19, 2005, is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed January 19, 2005, WebXites, Inc., is assessed a civil penalty in the amount of \$500. Payment, in the form of a check made payable to the Iowa Utilities Board, should be forwarded to the Executive Secretary of the Iowa Utilities Board at 350 Maple Street, Des Moines, Iowa 50319-0069. Payment is due within 30 days of the date of this order. The docket number listed on this order shall be listed on the check or in the accompanying correspondence.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 21<sup>st</sup> day of January, 2005.